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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,266	02/15/2001	Nicholas J. Bonge JR.	HR-63621	4936

23363 7590 03/17/2009
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

TRIEU, VAN THANH

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/788,266

Applicant(s)

BONGE, NICHOLAS J.

Examiner

Van T. Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,36,40-44 and 48-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,36,40-44 and 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Reissue Applications

Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,872,516 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

1. Claims 1-20, 36, 40-44 and 48-50 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

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The nature of the defect(s) in the errors in claims 36 or 44 is set forth in the discussion above in this Office action.

Applicant needs to file a new declaration pointing out a specific error corrected by the reissue such as, whatever the error is that claims 36 or 44 is correcting for.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the Amendment to drawings filed on 11/07/2006 is not compliant with 37 CRR 1.173(b)(3), as Figures 4, 5 and 6 must be labeled as "Amended".

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "said animal" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by **Fury** [US 3,980,051].

Regarding claim 1, the claimed a directional, ultrasonic transceiver for pets comprising: an ultrasonic transmitter means for creating an ultrasonic signal within on elongated ultrasonic field envelop (the trainer 16 worn an ultrasonic transmitter 10 to generate ultrasonic pulse envelope signal of 40 milliseconds to indicate an approximately distance of 20 feet, see Figs. 1 and 2, col. 1, lines 40-49 and col. 2, lines 25-47); the transmitter means processing sound shaping means for further augmented the ultrasound filed envelop to a more beam-like profile (the ultrasonic pulse envelope signal of 40 milliseconds to indicate an approximately distance of 20 feet between the trainer 16 and dog 24, see Figs. 1 and 2, col. 1, lines 40-58 and col. 2, lines 25-54); and an ultrasonic receiver means for wearing by a pet for the detection of the ultrasonic signal within the elongated ultrasonic field envelope (the ultrasonic receiver 50 is carried on a collar 22 worn by an animal 24 for receiving the ultrasonic pulse envelope of the ultrasonic transmitted signal such as super-audible pulse sound, when the dog 24 is beyond approximately 20 feet from the trainer 16 in view of the 40 millisecond pulse width utilized, see Fig. 1, col. 1, lines 49-63, col. 2, lines 14-16, 52-54 and col. 3, lines

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26-29), and the receiver means processing means for delivering a sensory stimulus to the animal upon reception of the ultrasonic signal (if no receiver output is present indicative of the animal 24 exceeding the predetermined distance of about 20 feet, and the receiver output ultrasonic signal frequency f2 to the trainer portion 10 for activating a dog whistle signaling to stimulate the dog 24 to return, see col. 1, lines 55-63, col. 2, lines 52-68, col. 3, lines 1-40 and col. 4, lines 1-6).

Conclusion

5. Claims 2-20, 36, 40-44 and 48-50 are allowable over the prior art.
6. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements such as the oath/declaration described above or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).
7. The amendment filed on 17 July 2003 is entered.
8. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 8:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Michael Razavi** can be reached on (571) 272-7664.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van T. Trieu/

Primary Examiner, Art Unit 2612

Date: 03/11/2009